

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JAMES ALBERT TORAN, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 5:14-cv-24371

JOSEPH COAKLEY,

Defendant.

MEMORANDUM OPINION AND ORDER

On August 5, 2014, the Plaintiff, acting pro se, filed an Application to Proceed in Forma Pauperis (Document 1) and a *Complaint* (Document 2) in this matter, brought pursuant to 28 U.S.C. § 1346.

By *Standing Order* (Document 3) entered on August 5, 2014, this matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. Subsequently, by *Order* (Document 5) entered on January 6, 2016, the case was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings of fact and recommendation for disposition.

On March 8, 2017, the Magistrate Judge Aboulhosn submitted a *Proposed Findings and Recommendation* (Document 6) wherein it is recommended that this Court deny the Plaintiff's Application to Proceed in Forma Pauperis, dismiss the Plaintiff's *Complaint*, and remove this


matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 27, 2017, and none were filed by either party.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Application to Proceed in Forma Pauperis (Document 1) be **DENIED**, the Plaintiff's *Complaint* (Document 2) be **DISMISSED**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: March 31, 2017


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA